REMARKS

Claims 55-93 are pending and stand rejected. Claims 55, 78 and 80 are independent. Claims 1-54 are cancelled.

Amendments

Applicant proposes to amend the claims to correct some minor informalities. Applicant proposes to amend claim 65 to depend from 64 as the term "the simulated purchase prices" recited by claim 65 finds antecedent basis in claim 64. Applicant proposes to amend claims 68, 74 and 79 to correct the spelling of the term "guaranteed." Applicant proposes to amend claim 84 to correct the phrase "least a portion" to read "at least a portion."

Applicant respectfully requests that these amendments be entered under the provisions of 37 C.F.R. § 1.116(b)(2) as these amendments present the claims in a better form for consideration on appeal.

Summary of Claimed Invention

The claimed invention provides the tools for an individual to conduct much of his or her own retirement planning. The disclosed system functions "as a retirement planning and implementation tool for individuals who have accumulated personal assets and are seeking secured or guaranteed lifetime benefits." (Spec. p. 12.) The system takes funds from asset vehicle accounts and allocates the funds toward desired benefits over an allocation period specified by the individual. (Spec. p. 19.) The assets are converted to the retirement benefits over a period of time on a gradual basis. (*Id.*) Thus, it is the individual's "decision, based on his or her risk, tolerance, to determine the length of the conversion period and the amount of funds to keep in higher risk investments." (*Id.*) To enable the individual to manage these and other decisions regarding his or her retirement accounts, the system provides for the valuation of the assets and more importantly the benefits managed by the system.

The system performs various calculations and simulations in order to illustrate to the individual the risks of his selection and the statistical outcomes of his selection. (Spec. p. 41.) When a purchase of a benefit is desired, the system determines the value of the benefits purchased to date and also determine the amount of assets remaining to purchase desired

benefits. (Spec. p. 33.) The system also calculates the target benefit that would be available if the entire asset accounts were allocated toward the purchase of benefits immediately. (Spec. p. 39.) The simulations also calculate the current value and target benefit payments at future intervals of the allocation period. (Spec. pp. 42-43.) The system thus provides unprecedented tools for the retiree to manage his or her retirement plan.

One advantage of the present invention is that an individual may adjust the benefits in his or her retirement account. Thus, the inventive system provides for changes in the individuals circumstances. The system responds to changed individual input by recalculating the value and target benefits provided by the retirement plan.

Grounds of Rejection

Applicant finds error in each of the claim rejections, which are summarized as follows:

Independent claims 55, 59, 60, 68, 69, 75, 78, 79, 80 and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of the following nine references:

- U.S. Patent 6,154,732 (Tarbox),
- U.S. Patent 6,205,434 (Ryan),
- Barron's Dictionary of Insurance Terms, 3rd Ed. (Barron's Insurance Terms),
- Barron's Dictionary of Finance and Investment Terms, Fifth Ed. 1995 (Barron's Finance and Investment Terms),
- U.S. Patent 5,704,045 (King),
- U.S. Patent 6,014,642 (El-Kadi),
- U.S. Patent 5,933,815 (Golden),
- U.S. Patent 6,275,807 (Schirrpa), and
- U.S. Published Patent Application 2001/0014873 (Henderson).

As noted in the Amendment filed October 5, 2007, the status of claims 70-74, 76, 77, 90, 92, and 93 is not clear.

Claims 56 and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the nine references applied against claims 55 and 80 and further in view of U.S. Patent 5,523,942 (Tyler).

Claims 57 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the nine references applied against claims 55 and 80 and further in view of U.S. Patent 6,021,397 (Jones) and U.S. Patent 5,893,071 (Cooperstein).

Claims 58, 61-67, 83, 85-89 and 91 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the nine references applied against claims 55 and 80 and further in view of Jones.

Response to Rejection under Section 103

None of the multitude of references applied by the Examiner individually or collectively disclose, suggest or render obvious a retirement benefit program in which an individual manages the conversion of assets to guaranteed retirement benefits over an allocation period. None of the references show or suggest recalculating the current value and target benefit payment when the circumstanees of the individual change. The Examiner cites to the prior art to show that it is generally known in the insurance and investment industries to convert one asset to another. The Examiner then asserts that it would be within the capabilities of one of ordinary skill in the art to calculate information regarding any conversion. However, the Examiner provides no explanation as to why one skilled in the art would combine the multitude of known elements in the insurance and investment industries in the fashion set forth by applieant's claims. Under the Examiner's reasoning, there can be no non-obvious new insurance or investment products because the mechanics of buying, selling and valuing insurance and investment products are known in the art. Applicant respectfully asserts that sueh reasoning is not supported by the proper application of 35 U.S.C. § 103(a).

Requirements of Section 103

> As reiterated by the Supreme Court in *KSR* [*International Co. v. Teleflex Inc.* 550 U.S. ____, 82 U.S.P.Q.2d 1385 (2007)] the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law

> based on underlying factual inquiries. The factual inquiries enunciated by the Court are as follows:
>
> (A) [Determining the scope and contents of the prior art];
> (B) Ascertaining the differences between the claimed invention and prior art; and
> (C) Resolving the level of ordinary skill in the pertinent art.

M.P.E.P. § 2141 II.

> The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "'[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.'" *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

M.P.E.P. § 2141 III. The Examiner asserts: "The US Supreme Court also reminds practitioners and examiners . . . that the common sense principle should also be included in deciding whether something would have been obvious to the ordinary practitioner of the art at the time of an Applicant's invention." (Final Office Action at 22.) The M.P.E.P., however, makes clear that this reliance of "common sense prineiples" does not relieve the Examiner of the duty to articulate a clear reason why the claimed invention would be obvious to one skilled in the art. M.P.E.P § 2141 III sets forth seven rationales that may be used support a conclusion of obviousness. These rationales are fully explained in the EXAMINATION GUIDELINES FOR DETERMINING OBVIOUSNESS UNDER 35 U.S.C. 103 IN VIEW OF THE SUPREME COURT DECISION IN *KSR INTERNATIONAL CO.* V. *TELEFLEX INC.* (72 Fed. Reg. 57,526 (2007)). The Examiner does not set forth any of these rationales in the Final Office Action in support the conclusion of obviousness.

Resolving the Level of Ordinary Skill in the Art

"The examiner has consistently cited the Certified Life Underwriter (CLU) as an example of one of ordinary skill, also citing the government mandated licensing requirements for the thousands of such practitioners throughout the United States of America." (Final Office Action at 19.) It is Applicant's understanding the term CLU is used in the art to refer to a

"*Chartered* Life Underwriter." The Chartered Life Underwriter is a designation bestowed by The American College on insurance professionals that have completed a specialized course of study. In the field of insurance educational services, the term "CLU" is a trademark of The American College. A web page (http://www.theamericancollege.edu/subpage.php?pageId=256) of The American College setting forth the CLU designation is attached hereto as Appendix A.

"The examiner's stated judgement on the record has been that a large component of the exemplary ordinary practitioners of the art are CLU's (certified [sic] life underwriters), that that such practitioners would understand most and perhaps all of the limitations in Applicant's claims, and that viewing the cited references would make them obvious to combine into Applicant's invention." (Final Office Action at 19.) This assertion is an epitome of a mere conclusory statement. Using Applicant's claims as a guide, the Examiner assembles nine references in an attempt to show each claim limitation. Based on this the Examiner concludes that if the CLU viewed the nine cited references, the CLU would have found it obvious to combine the various features into Applicant's invention. Under the Examiner's reasoning, as long as a CLU can "understand most and perhaps all" of the features of any new investment or insurance product, then the new product would be obvious.

The Examiner provides no reason *why* the CLU would have found it obvious to make the combination. The Examiner alludes to the training required to become a CLU. However, there is no indication that CLU are trained to develop new financial systems or products. Attached as Appendix B is a web page (http://www.theamericancollege.edu/subpage.php?pageId=333) from The American College setting forth requirements to become a CLU. There is no indication from the information provided in Appendices A-B or elsewhere that an ordinary CLU is trained to develop new financial systems or products. Accordingly, even if an ordinary CLU could "understand most and perhaps all" of the features of the limitations of the claimed invention, there would be no reason for such a CLU to combine the myriad of features into the novel system and method set forth by Applicant's claims.

A CLU provides insurance advice and products to his customers. The Examiner implies, that an ordinary CLU would use every legally approved investment contract and

forecasting tweak available. (Final Office Action at 4.) Accordingly, the ordinary CLU would not be aware of products that have not yet achieved legal approval. Attached as Appendix C is the Code of Professional Responsibility of the Society of Financial Services Professionals. As implied by the Examiner the Financial Services Professionals, including CLUs, must only provide legally approved financial products and services. Thus, products yet to be approved may well be non-obvious to the ordinary CLU. This is the case with the Applicants invention. It was the Applicant that first obtained the legal approval for an embodiment of the claimed invention. (Golden Decl. ¶ 7.) In fact, prior to a commercial embodiment of the invention developed by the Applicant, the "Commercial Annuity," there were no products that enabled a guaranteed life-dependent retirement benefit which included allocating a portion of funds from one or more personal financial assets towards purchasing fraction of a guaranteed life dependent retirement benefit. (Golden Decl. ¶ 9.) Accordingly, prior to the invention by Applicant the ordinary CLU would have been unaware of any legally approved investment product that performs as does the claimed invention.

There is no reason that an ordinary CLU would have found it obvious to combine the various features of nine references to arrive at the claimed invention as asserted by the Examiner.

General Errors in the Combination of the Applied Art

Applicant addresses the general errors in the Examiner's application of Section 103 with reference to independent claim 80.

Claim 80 sets forth a method for implementing and administering a retirement benefit program including at least one guaranteed, life-dependent retirement benefit. According to the claimed method, a portion of funds corresponding to an asset vehicle is allocated toward purchasing fractions of a guaranteed life-dependent retirement benefit at intervals of an allocation period. As of the current date, the total current value of the retirement benefit purchased and market value of the asset vehicle are calculated. Also calculated is a target benefit payment value representative of a benefit payment available to a person if the allocation period is immediately accelerated by allocating the funds corresponding to the total current value towards purchasing a remainder of the guaranteed life-dependent retirement benefit. For each

future interval of the allocation period a total current value and a target benefit payment is calculated. For each future interval of the allocation period a recalculated total current value and a recalculated target benefit payment value is recalculated based on change information received from a remote client computer. Based on a change to the retirement benefit program the allocation of funds is altered towards achieving the recalculated total current values and recalculated target benefit payments.

The applied art does not show or suggest a method or system of implementing and administering a retirement benefit program including at least one guaranteed life-dependent retirement benefit that calculates total current value and target benefit payments a each allocation period as an asset vehicle is converted to a guaranteed life-dependent retirement benefit. The applied art also does not show or suggest recalculating the current value and target benefit payments at intervals of the allocation period based on change information including a change to the retirement benefit program. The Examiner cites to at least nine references to establish the scope and contents of the prior art. The Examiner establishes that the prior art teaches numerous methods for managing investments and conducting financial transactions. However, the Examiner acknowledges that the primary reference to Tarbox does not show or suggest many limitation of claim 80.

> Tarbox does not explicitly disclose:
> - Conversion of investments, assets or contracts
> - Purchasing of fractions of investments, assets and contracts, including gradual purchases over time.
> - Guaranteed life-dependent financial contracts or instruments.
> - Recalculations as they apply to the advisor's service activities for the client.
> - Financial and statistical information related to future market performance, inflation and interest rates.
> - A controller adapted for performing operations of an integrated computer system such as being operatively coupled to storage means for storing information and to calculate and recalculate various values and valuations.

(Final Office Action at 3.) The Examiner acknowledges that the primary reference is not directed to converting an asset to a guaranteed life-dependent retirement benefit over an allocation period. The Examiner acknowledges that the primary reference does not teach the

calculations and recalculations set forth by claim 80 that enable an individual to implement and administer a retirement benefit program that converts assets to benefits over an allocation period.

Claim 80 sets forth: "allocating at selected intervals of an allocation period in accordance with at least a first set of instructions an allocation of a portion of funds corresponding to at least one asset vehicle, containing one or more personal financial assets owned by the person, towards purchasing one or more fractions of at least a first guaranteed life-dependent retirement benefit that provides one or more income benefit payments to the person to gradually purchase the at least first retirement benefit during the allocation period." The Examiner does not point out where such a step is taught by the prior art. Rather the Examiner asserts:

> It would have been obvious for a retirement plan buyer to have wanted to know at any time during the period of his initial inquires and negotiations with the current practitioner thorough the first step of conversion until his market based assets were fully converted to life-dependent retirement benefit plans as to what the current value of his current assets was and what the cost of immediate payment of a complete retirement benefit would be if fully paid immediately. Numerous other what-if questions by the asset owner would also have been obvious to expect from the asset owner client or conversion prospect.

(Final Office Action at 5.) The Examiner's assertion is insufficient to establish obviousness. First, the Examiner cites a CLU as one of ordinary skill in the art. (Final Office Action at 19.) However, the Examiner does not state what would have been obvious to a CLU. Rather, the Examiner state his opinion of what a *retirement plan buyer* would have wanted to know. It would not have been obvious for a CLU to have allocated funds corresponding to an assest vehicle towards purchasing fractions of a guaranteed life dependent retirement benefit at selected intervals of an allocation period. As discussed above, *it would not have been obvious to a CLU, because at the time of Applicant's invention there were no retirement benefit products available to for a CLU to offer his clients that provided for such an allocation over an allocation period.* In fact, prior to a commercial embodiment of the invention developed by the Applicant, there were no products that enabled a guaranteed life-dependent retirement benefit which included allocating a portion of funds from one or more personal financial assets towards purchasing fraction of a guaranteed life dependent retirement benefit. (Golden Decl. ¶ 9.) The Examiner's

statement of obviousness does not articulate a reason why a CLU would modify the teachings of Tarbox to include *allocating at selected intervals of a allocation period a portion of funds corresponding to at least one asset vehicle towards purchasing fractions of a guaranteed life-dependent benefit* as set forth by claim 80.

Claim 80 further sets forth 1) calculating (i) a total current value and (ii) a target benefit value if the allocation period is accelerated, 2) calculating for each future interval of the allocation period (i) a total current value and (ii) a target benefit payment, and 3) recalculating for each future interval of the allocation period a recalculated total current value and a recalculated target benefit payment based on change information. The Examiner cites to numerous secondary references allegedly to show the following:

- Barron's Dictionary of Insurance Terms, Barron's Dictionary of Finance and Investment Terms and King to show conversion of investments, assets and contracts,
- Golden to show guaranteed life-dependent financial contracts or instruments,
- El-Kadi to show the purchasing of fractions of investments, assets and contracts including gradual purchases over time,
- Shirripa to show recalculations as they apply to advisor's service activities for the client
- Henderson to show financial and statistical information related to future market performance, inflation and interest rates, and
- Ryan to show a controller.

(Final Office Action at 4.) The Examiner asserts:

> Recalculations have been an obvious and common component service activity performed for prospective and existing retirement investment planning clients by the army of ordinary practitioners such as investment advisors, CLU's and personal financial planners, using every legally approved investment contract and forecasting tweak available to a CLU and/or other licensed financial planner and advisor through his licensed and certified training, from his underwriting companies and through his ongoing updates of his professional knowledge base.

(Final Office Action at 5.) The Examiner again appears to assert that a CLU's training and ongoing accumulation of professional knowledge render any calculation or recalculation of any

investment or insurance product obvious. As discussed above, new and novel investment and insurance product may be developed that employ calculations that are not obvious to ordinary CLUs. Prior to the invention by Applicant, the CLU would have been unaware of any legally approved investment product that performs all of the calculations and recalculations of the claimed invention. In fact, no other financial product, even today, provides altering an existing retirement product based on recalculations based on changed circumstances. The Examiner has failed to articulate an apparent reason why an ordinary CLU would combine the selected features of the applied references to achieve the calculations and recalculations that are set forth by claim 80.

For the these reasons, the Examiner has failed to show obviousness in view of the multiple applied references. The Final Office Action fails set forth a clear articulation of *why* the claims would have been obvious under the *KSR* decision and the procedures of M.P.E.P § 2141.

Supporting Declarations

Applicant submitted the Declaration of the inventor, Jerome Golden, with the Supplemental Response filed February 1, 2007. Applicant further submitted the Declaration of Larry Port with the Response filed September 18, 2007. The Examiner fails to adequately consider these declarations.

> When an applicant timely submits evidence traversing a rejection, the examiner must reconsider the patentability of the claimed invention. The ultimate determination of patentability must be based on consideration *of the entire record*, by a preponderance of the evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence.

M.P.E.P. § 716.01(d) (emphasis added)(citing *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992)). The Examiner errs by not considering the Golden Declaration in light of the Port Declaration and the arguments presented by the Applicant.

The Examiner impermissibly asserts that the Golden Declaration is moot. (Final Office Action at 20.) The Examiner in dismissing the Golden Declaration as moot fails to make a determination of patentability based on consideration of *the entire record*.

The Examiner fails to appreciate the significance of the Golden Declaration. The Examiner's position appears to be that it is known to convert one asset to another in the insurance and investment industries and further that calculating information regarding any such conversion would be with the capabilities of one of ordinary skill in the art. The Examiner's position reduces to the position that there can be no non-obvious new insurance or investment products because the mechanics of buying, selling, and valuing insurance and investment products are known in the art. The Golden Declaration points out the errors in the Examiner's reasoning. The Examiner makes reference to what would have been an obvious activity performed "by the army of ordinary practitioners such as investment advisors, CLU's and personal financial planners, using every legally approved investment contract . . . available to a CLU and/or other licensed financial planner and advisor." (Final Office Action at 5.) The Golden Declaration explains why the claimed invention would not have been suggested by the knowledge of the "army practitioners" referred to by the Examiner. The Golden Declaration sets forth that Jerome Golden has significant experience in the financial services industry, yet is unaware of any product that predates the invention that provides for the features of the claimed invention. There was simply no "legally approved investment contract . . . available to a CLU and/or other licensed financial planner and advisor" to implement the claimed invention. In fact, the inventor obtained the regulatory approval in all fifty states for the first product that permits practicing the claimed invention. Golden Declaration ¶ 7. Prior to Applicant's invention, there were no legally approved investment or insurance products that would enable the invention. Accordingly, the claimed invention would not have been obvious to one of ordinary skill in the art.

In particular, prior to the inventor's implementation of an embodiment of the invention there were no products available that provided for a guaranteed life-dependent retirement benefit for a person which included allocating a portion of funds from one or more personal financial assets of an individual towards purchasing one or more fractions of a guaranteed life-dependent retirement benefit to provide one or more income benefits to the person. Golden Declaration ¶ 9. Furthermore, prior to the present invention there was no reason or suggestion to determine a present value of an annuity, retirement benefit or similar insurance product based on an individual's personal data. When a retiree is given the ability to allocate an asset to the purchase of fractions of a guaranteed life-dependent retirement benefit over intervals of an allocation

period, the retiree needs to be able to determine the current value of the dependent retirement benefit to himself or herself. There was no such need when purchasing, for example, an annuity in a single transaction. Accordingly, the present invention creates the need to value the purchased retirement benefit based on an individual, personal actuarial valuation. Golden Declaration ¶ 10. Furthermore, as the allocation of an asset to purchase a guaranteed life-dependent retirement benefit was not known prior to the instant invention, the ability to recalculate and alter the allocation of funds to achieve a recalculated total current value and a recalculated target benefit payment could not be contemplated by one of ordinary skill in the art. Such recalculation and allocation alteration were not present in the prior industry offerings. Golden Declaration ¶¶ 12-13.

There is a nexus between the merits of the claimed invention and the evidence set forth by the Golden Declaration. The Golden Declaration expressly refers to numerous claim limitations at paragraphs 9-13. The Golden Declaration establishes that these claim limitation were not included in financial products and services available prior to the invention of claimed subject matter. Accordingly, the Examiner's unsupported assertions that these limitations would have been obvious to the "army of ordinary practitioners such as investment advisor, CLU and personal planners" is without merit.

The Port Declaration establishes that the MassMutual Financial Group acquired Golden Retirement Resources principally to obtain a commercial embodiment of the claimed invention. Accordingly, the Port Declaration demonstrates the success of the claimed subjected matter. The Port Declaration provides evidence that when the problem solved by the claimed invention was presented to the decision makers at the MassMutual Financial Group, they did not attempt to solve the problem on their own. Rather, than find the solution to the problem obvious, they instead acquired Golden Retirement Resources to obtain the claimed invention. Port Declaration ¶ 7. The Port Declaration thus provides the evidence that the claimed invention was not obvious to those of ordinary skill in the art.

The Golden Declaration provides evidence that the ordinary CLU relied upon by the Examiner as one of ordinary skill in the art would not have the knowledge of the claimed invention asserted by the Examiner. The Golden Declaration further provides evidence of commercial success of the claimed invention and in fact establishes that MassMutual Financial Group acquired the invention. The Port Declaration establishes that the acquisition was

principally to acquire the claimed invention. Port Decl. ¶ 6. Accordingly, the Golden Declaration and Port Declaration together establish the commercial success of the claimed invention.

The Examiner asserts that the Port Declaration does not show that the objective evidence of nonobviousness is commensurate with the scope of the claims. (Final Office Action at 16.) To the contrary, the Port Declaration specifically sets forth the Commercial Annuity in terms of the claim limitations. Port Decl. ¶ 3. The Port Declaration establishes that the acquisition of these features of the Commercial Annuity, which correspond to the claim limitations, was the principal reason that MassMutual Financial Group acquired Golden Retirement Resources. Port Decl. ¶ 6. Accordingly, the Port Declaration establishes a nexus between the evidence of commercial success and the claimed invention.

The Examiner fails to fully consider the Port Declaration. The Examiner states:

> The declaration makes no reference to the claims. MPEP 716 requires among other things, that a declaration refer to the claims, since the claims are what is examined in application for patentability.

(Final Office Action at 16.) Contrary to the Examiner's assertion, M.P.E.P. § 716 does not require that a declaration under 37 C.F.R. § 1.132 expressly refer to a specific claim. The objective evidence of nonobviousness set forth in the Port Declaration is commensurate with the scope of the claims. The Port Declaration expressly sets forth that the Commercial Annuity provided for the allocation of an asset at selected intervals of an allocation period in accordance with allocation instructions provided by the beneficiary to purchase a single instrument providing guaranteed life-dependent benefits. This embodiment of the invention is commensurate with the scope of the claims.

The Examiner's failure to consider the evidence provided in the Golden and Port declaration in making the ultimate decision of patentability is error.

Claim 55

Claim 55 stands rejected as being unpatentable over Tarbox in view of eight secondary references. The applied art fails to render claim 56 obvious. Tarbox provides a

system and method for providing advice and management of pension assets in which the advice and asset management are separated to eliminate the inherent economic conflict of interest in traditional Benefit Plan programs. Tarbox 1:1-16. Tarbox does not show or suggest a retirement benefit program including a guaranteed life-dependent retirement benefit. Tarbox does not show or suggest allocating at selected intervals of an allocation period a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-dependent retirement benefit. Tarbox thus does not gradually purchase the retirement benefit during the allocation period while allowing a remainder of the funds corresponding to the asset vehicle to generate investment returns. Tabox does not show or suggest calculating a value representative of a sum of a current value of a retirement benefit purchased to date and market value of an asset vehicle. Tarbox does not show or suggest calculating current values and target benefit amounts at each future interval of the allocation period. Tarbox does not show or suggest recalculating for each future interval of the allocation period a recalculated total current value and a recalculated target benefit based on change information. Tarbox does not show or suggest altering the allocation of funds towards achieving the recalculated total current values and recalculated target benefits. The is no reason found in the prior art or within the background knowledge possessed by one of ordinary skill in the art to modify Tarbox to include these features.

Claim 55 sets forth a "system for planning for implementing and administering a retirement benefit program including at least one guaranteed life-dependent retirement benefit to provide guaranteed lifetime income to at least one person." The Examiner acknowledges that Tarbox does not disclose as guaranteed life-dependent financial contracts or instruments. (Final Office Action at 3.) The Examiner fails to provide a reason one of ordinary skill in the art would have found it obvious to modify Tarbox to include a guaranteed life-dependent retirement benefit. The Examiner relies on the Applicant's own patent, Golden, to show guaranteed life-dependent financial contracts or instruments. However, the Examiner fails to explain how the management of guaranteed life-dependent financial instruments as set forth by the prior Golden patent is compatible with the management of pension assets as taught by Tarbox. Neither Tarbox nor the prior Golden patent explains how the purchase of guaranteed life-dependent financial instrument could be managed by the Tarbox system that invests in a series of trusts that are portfolios of composite asset classes that invest in a plurality of mutual funds. Tarbox 4:37-

39. One of ordinary skill in the art would not find it obvious to modify the Tarbox system directed to managing risk by investment in common trusts to include individual benefits such as a guaranteed life-dependent retirement benefit.

Claim 55 sets forth an "allocation component being adapted to execute at selected intervals of an allocation period in accordance with at least a first set of instructions an allocation of a portion of funds corresponding to at least one asset vehicle containing one or more personal financial assets owned by the person towards purchasing one or more fractions of at least a first guaranteed life-dependent retirement benefit that provides one or more income benefits to the person." The Examiner asserts that this is essentially a conversion program from one or more assets to another asset. However, nothing in the prior art shows or suggest such a conversion program that 1) operates at intervals over a conversion period, and 2) converts funds corresponding to at least one asset vehicle to one or more fractions of a guaranteed life-dependent retirement benefit. Accordingly, this limitation is not obvious in view of the prior art.

The Examiner relies on the secondary reference to El-Kadi to show the purchase of fractions of investments, assets and contracts, including gradual purchases over time. However, El-Kadi is directed to benefits processing system that manages 401(k) retirement accounts in a manner that permits plan participants to invest in any investment that is traded on any exchange or over the counter. El-Kadi 2: 9-14. El-Kadi recognizes that regular purchases are likely to be made in a 401(k) account over time as the account is funded through payroll deductions. Accordingly, El-Kadi contemplates buying investments such as stocks or mutual fund shares using dollar cost averaging, in which participants invest a fixed dollar amount on a periodic basis. As the dollar amount is fixed, the system is able to purchase fractional shares to achieve the fixed purchase amount. El-Kadi 5:57-62. There is nothing in El-Kadi that suggest purchasing a single contract or investment by purchasing fractions of the whole investment over intervals of a conversion period.

There is in fact no suggestion in the art of record of the gradual conversion of an asset to a guaranteed life-dependent retirement benefit over a conversion period. The Examiner asserts that this claim limitation "is essentially a conversion program from one or more assets to another asset." The Examiner cites to the Barron's Dictionary of Insurance Terms and Barron's

Dictionary of Finance and Investment Terms and King to show that conversion is known. However, the relevant issue is not whether conversion in general is old art, but rather whether the conversion process as defined by the pending claims would have been obvious to one of ordinary skill in the pertinent art. The Examiner has articulated no reasoning with some rational underpinning to support the conclusion that the conversion of an asset to a guaranteed life-dependent retirement benefit over a conversion period would have been obvious to one of ordinary skill in the art.

Claim 55 sets forth that the controller is adapted to calculate a total current value representative of a sum of a current value of the retirement benefit purchased to date based on an individual, personal actuarial valuation of the benefit and a market value of the asset vehicle." The Examiner asserts that "calculating and recalculating current values and future values for any number of future intervals and contractual assumptions and contingencies being considered has been well known in the art, including on an individual, personal actuarial valuation of the benefit and a market value of the asset vehicle." (Final Office Action at 5.) Applicant traverses this assertion by the Examiner. Accordingly, Applicants request that the Examiner provide evidence to support the assertion that an individual, person actuarial valuation of a life-dependent retirement benefit is well known in the art. The claimed system calculates the current value of the fraction of a life-dependent retirement benefit purchased to date based on in individual, personal actuarial valuation of the benefit. There are simply no other methods or system that simulated the pricing of an annuity. There is no showing or suggestion of the calculations set forth in claim 55 in the applied art.

Claim 55 sets forth calculating the total current value and target benefit payments for each future interval of the allocation period. As the conversion of an asset to a guaranteed life-dependent retirement benefit is not suggested in the prior art, there is no basis to conclude that it would have been obvious to one of ordinary skill to have calculated total current value and target benefit payments of retirement benefit program in which such conversion is accomplished.

Claim 55 sets forth recalculating a recalculated total current value and recalculated target benefit payment value based on change information including a change to the retirement benefit program specified by the owner. The Examiner merely asserts: "Recalculations have

been an obvious and common component service activity performed for prospective and existing retirement investment planning clients by the army of ordinary practitioners such as investment advisors, CLU's and personal financial planners using every legally approved investment contract and forecasting tweak available to a CLU and/or licensed financial planner and advisor through his licensed and certified training, from his underwriting companies and through his ongoing updates of his professional knowledge base." While a CLU might appreciate the advisability of periodically reviewing a client's financial or estate plan, there is no evidence that the typical CLU would have the skills to design an automated system to evaluate and effectuate a revised plan. The claims do not set forth recalculation in general. The claims set forth a recalculated target benefit payment in a retirement benefit program in which assets are allocated to a guaranteed life-dependent retirement benefit over an allocation period. There is no suggestion that any of the "army of ordinary practitioners" referred to by the Examiner ever conducted or contemplated a recalculation as set forth by claim 55.

Claim 55 further sets forth altering "the allocation of funds towards achieving the recalculated total current values and the recalculated target benefit payment values." The Examiner does not address this limitation of claim 55. There is no suggestion that one of ordinary skill in the art would have found it obvious to alter the allocation funds towards purchasing fractions of a guaranteed life-dependent retirement benefit over an allocation period.

The applied prior art fails to show or suggest several limitations of claim 55 including executing at selected intervals of an allocation period an allocation of a portion funds corresponding to at least one asset vehicle towards purchasing fractions of a guaranteed-life dependent retirement benefit. The prior art fails to teach or suggest purchasing at selected intervals fractions of a particular retirement benefit as set forth by claim 55. Furthermore, the prior art references, and the Examiner, are silent regarding altering the allocation of funds towards achieving a recalculated values. Moreover, there is no reason to combine the teachings of the various applied references as suggested by the Examiner for the reasons set forth above. For these reasons, claim 55 is patentable over the applied prior art.

Claims 70, 76 and 77 depending from claim 55 are patentable over the applied art for at least the reasons discussed above.

Claim 56

Claim 56 depends from claim 55 and is rejected over the prior art applied against claim 55 in further view of Tyler. Claim 56 sets forth that the change to the retirement benefit program that serves as the basis for the recalculation includes either 1) a change in the length of the allocation period or 2) one or more changes in the guaranteed life-dependent retirement benefit. The Examiner acknowledges that the art applied against claim 55 does not teach the limitations set forth by claim 56. The Examiner asserts that Tyler teaches one or more changes in a guaranteed life-dependent retirement benefit. Tyler is directed to a system for entering and processing insurance and product information. The Tyler system does collect information in order to present insurance proposal information. However, Tyler includes no showing or suggestion of an input of a change in a guaranteed life-dependent retirement benefit which is the basis of for recalculation of the current valuc and target benefit payment over intervals of an allocation period. Thc Examiner asserts that it would have been obvious to one skilled in the art to have combined the disclosures of ten references in ordcr to provide for the planning for, implementing and administering a retirement benefit program including at least one guaranteed, life-depcndent retirement benefit to provide a guaranteed lifetime income to at least one person using at least one or more personal financial assets owned by the person. There is no reason that one skilled in the art would have combined the references in the manner suggested by the Examiner to arrive at thc claimed invention. The Examiner asserts that the combination would be "motivated by a desire to respond to a client's request for information on a previously sold product insurance industry product, which includes life dependcnt annuity products, or projecting thc impact on policy values if certain product assumptions are modified, such as a shortening or cxpansion of a conversion period." (Final Office Action at 9.) However, the prior art is silent regarding shortcning or expansion of a conversion period. Tyler does not address providing information which serves as a basis to recalculate a previously sold insurance industry product as implied by the Examiner. One of ordinary skill in the art would have no reason to modify the teaching of Tarbox and the other applied references with the teaching of Tyler to arrive at the claimed invention. For this reason and the reasons set forth with respect to claim 55, claim 56 is patentable over the applied prior art.

Claim 57

Claim 57 depends from claim 55 and sets forth that the server is further adapted to calculate a plurality of benefit payments during and after the allocation period. The Examiner acknowledges that the references applied against claim 55 do not show the limitations set forth by claim 57. The Examiner relies on the addition references to Jones and Cooperstein to show the limitations set forth in claim 57. The Examiner asserts Jones and Cooperstein disclose calculating benefit payments corresponding to selected retirement benefits for a client during and after a conversion period, wherein the benefits payments during the conversion period are made from at least one asset vehicle and purchased benefits and the benefit payments after the conversion period are provided by the purchased benefits. The Examiner is incorrect. Jones is directed to system for optimizing portfolio allocations. Jones does not calculate benefit payments during and after a conversion period. Cooperstein is directed to software for valuing annuities. However, Cooperstein is silent regarding purchasing an annuity over an allocation period. Cooperstien does not calculated payments during an allocation period as set forth by claim 57. The Examiner asserts that it would have been obvious to the ordinary practitioner to provide payments to a beneficiary during an allocated asset conversion program period. However, not one of the eleven references applied against claim 57 suggest such payments. The Examiner asserts that the motivation to combine the applied references in a manner to arrive at the claimed invention is to provide more disclosure of the workings of the purchased benefit plans so that customers can appreciate and act on the critical components of such contracts. However, the critical components of the claimed invention are not suggested by the applied art.

Claim 58

Claim 58 depends from claim 55 and further sets forth details of the stored financial and statistical information and sets forth additional information including at least one or more person-specified personal choices related to the retirement benefit program. Claim 58 is rejected as being unpatentable over the nine references applied against claim 55 and further in view of Jones. The Examiner does not address how the applied prior art shows or suggests the additional information set forth by claim 58. Accordingly, the Examiner has not set forth a proper rejection of claim 58. Claim 58 is patentable over the applied references for at least the reasons set forth above with respect to claim 55.

Claim 59

Claim 59 depends from claim 55 and further sets forth details of the change to the retirement benefit program that serves as the basis for the recalculated total current value and recalculated target benefit. Claim 59 is rejected as unpatentable over the same references as applied against 55. The Examiner does not address the specific changes to the retirements benefit program set forth by claim 59. Claim 59 is patentable over the prior art for at least the reasons set forth above with respect to claim 55.

Claim 60

Claim 60 depends from claim 55 and further sets forth information received to instruct the allocation component to execute an allocation of funds towards purchasing a remainder of the guaranteed life-dependent retirement benefit. The Examiner asserts that the acceleration of benefits is a long standing tool in the insurance segment of the financial services industry. However, the long standing tool of acceleration in the insurance industry is related to payments from a life insurance policy that are paid prior to the death of the insured. *See* Barron's Insurance Terms, p. 2. There is no teaching or suggestion in the applied art to purchase a remainder of a guaranteed life-dependent retirement benefit as set forth by claim 60. For this reason and the reasons set forth above with respect to claim 55, claim 60 is patentable over the applied art.

Claim 61

Claim 61 depends from claim 55 and further sets forth a simulation component. The Examiner acknowledges that the art applied against claim 55 does not disclose the simulation component set forth by claim 61. Claim 61 is rejected as unpatentable over the art applied against claim 55 and further in view of Jones. For the reasons, set forth above with respect to claim 55 the applied art does not show or suggest allocating a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-dependent retirement benefit over intervals of an allocation period. Jones does not correct for this deficiency of the applied art. Jones does not show or suggest generating a plurality of sample retirement benefit programs including simulated results of allocations at intervals of at least one of a plurality of available allocation periods as set forth by claim 61. Claim 61 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 62

Claim 62 depends from claim 61. Claim 62 sets forth that the simulated results include simulated total current values and simulated target benefit payment values. Claim 62 is rejected over the art applied against claim 61. The applied art does not show or suggest calculating current values and target benefit payment values over the selected intervals of an allocation period for the reasons set forth above with respect to claim 55. Claim 62 is patentable over the applicd art for at least the reasons set forth above with respect to claim 55.

Claim 63

Claim 63 depends from claim 61 and further sets forth details of the basis of the simulation results. Claim 63 is rejected as unpatentable over the art applied against claim 61. The Examiner states: "The analytical, simulation based use of market performance information, market performance information, interest rates and inflation rates are discussed in the rejection of claims 80-86 above." (Final Office Action at 13.) Applicants are uncertain as to what discussion the Examiner refers. However, as discussed above with respect to claim 61, the applied art does not show or suggest the simulations set forth by these claims. Accordingly, claim 63 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 64

Claim 64 depends from claim 61 and further sets forth that the simulation component is adapted to statistically calculate simulated purchase prices of fractions of the guaranteed, life-dependent retirement benefit. Claim 64 is rejected as unpatentable over the art applied against claim 61. The applied art does not show or suggest purchasing fractions of a guaranteed life-dependent retirement benefit. Accordingly, there is no suggestion to calculate simulated purchase prices of such fractional purchases. Claim 64 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 65

Applicant proposes to amend claim 65 to depend from claim 64. Claim 65 further sets forth information employed to statistically calculate the simulated purchase prices. Claim 65 is rejected as being unpatentable over the art applied against claim 61. The applied art does

not show or suggest purchasing fractions of a guaranteed life-dependent retirement benefit. Accordingly, there is no suggestion to employ morbidity or longevity information to calculate simulated purchase prices of such fractional purchases. Claim 65 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 66

Claim 66 depends from claim 61 and further sets forth that the simulation component is adapted to statistically determine a probability of achieving or exceeding the guaranteed life-dependent retirement benefit at an expiration of the allocation period. Claim 66 is rejected as being unpatentable over the art applied against claim 61. The applied art does not show or suggest purchasing a guaranteed life-dependent retirement benefit over an allocation period. Accordingly, the applied art does not show or suggest determining the probability of achieving or exceeding a guaranteed life-dependent benefit by the expiration of the allocation period. Claim 66 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 67

Claim 67 depends from claim 61 and further sets forth information received from the remote client regarding modifications. Claim 67 sets forth that the simulation component is adapted to recalculate the simulated results in accordance with one or more modifications. Claim 67 is rejected as being unpatentable over the art applied against claim 61. The applied art does not show or suggest simulated results of allocations of funds corresponding to an asset vehicle towards gradually purchasing fractions of a guaranteed life-dependent retirement benefit at selected intervals of an allocation period. Accordingly, the applied art does not show recalculating the simulated results in accordance with one or more modifications. Claim 67 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 68

Claim 68 depends from claim 55 and further sets forth an actuarial valuation component adapted to perform for each selected interval of the allocation period an actuarial valuation of the guaranteed life-dependent retirement benefit purchased to date. Claim 68 is rejected as being unpatentable over the art applied against claim 55. The applied art does not

show or suggest allocating a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-dependent retirement benefit over intervals of an allocation period. Accordingly, the applied art does not show an actuarial valuation of the guaranteed life-dependent retirement benefit each interval of the allocation period. Claim 68 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 69

Claim 69 depends from claim 55 and further sets forth that the controller is adapted to calculate for selected intervals of the allocation period a market value of a remainder of the asset vehicle. Claim 68 is rejected as being unpatentable over the art applied against claim 55. The applied art does not show or suggest allocating a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-dependent retirement benefit over intervals of an allocation period. Accordingly, the applied art does not show calculating a market value of the asset vehicle at intervals of the allocation period. Claim 69 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 71

Claim 71 depends from claim 55 and sets forth information related to a person-specific benefit index. The Examiner acknowledges that this limitation is not explicitly disclosed by the applied art. (Final Office Action at 6.) The Examiner asserts that such indexes have been well known in the art. *Id.* Applicant submits that it is not well known to use such an index with a guaranteed life-dependent benefit that is purchased at intervals over an allocation period. Claim 71 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 72

Claim 72 depends from claim 55 and sets forth information related to a person-specified benefit payment collar. The Examiner acknowledges that this limitation is not explicitly disclosed by the applied art. (Final Office Action at 7.) The Examiner asserts that such collars have been well known in the financial arts. Applicant traverses the Examiner's assertion. Applicant submits that a person-specified benefit collar corresponding to a percentage range below and above a benefit payment of a guaranteed life-dependent benefit purchased over

an allocation period is not well known in the art. Claim 72 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 73

Claim 73 depends from claim 55 and sets forth information related to a person-specified stop/loss indication. The Examiner acknowledges that this limitation is not explicitly disclosed by the applied art. (Final Office Action at 7.) The Examiner asserts that stop/loss arrangements have been well known in the financial arts. However, there is no suggestion that it would have been known or obvious to process a stop/loss arrangement toward implementing a retirement benefit program as set forth by claim 73. Claim 73 is patentable over the applied art for at least he reasons set forth above with respect to claim 55.

Claim 74

Claim 74 depends from claim 68. Claim 74 sets forth that the value of the first guaranteed life-dependent retirement benefit as of the current date and each future interval of the allocation period includes actuarial valuations of the guaranteed life-dependent benefit purchased. The applied art does not show or suggest allocating a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-dependent retirement benefit over intervals of an allocation period. Accordingly, the applied art does not show an actuarial valuation of the guaranteed life-dependent retirement benefit each future interval of the allocation period. Claim 74 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 75

Claim 75 depends from claim 55 and sets forth that the asset vehicle includes investment vehicles configured to generate investment returns during the allocation period to i) fund purchases of the guaranteed life-dependent retirement benefit or ii) fund a portion of benefit payments. The Examiner does not address the limitation of claim 75. The applied art does not teach or suggest investment vehicles which fund purchases of a guaranteed life-dependent retirement benefit or benefit payments. Claim 75 is patentable over the applied art for at least the reasons set forth above with respect to claim 55.

Claim 78

Claim 78 stands rejected as being unpatentable over Tarbox in view of the eight secondary references applied against claim 55. The Examiner does not directly address the limitations of claim 78. The applied art fails to render claim 78 obvious for reasons similar to those set forth with regard to claim 55 above.

Claim 78 sets forth a "integrated computer system for planning for, implementing and administering a retirement benefit program including at least one guaranteed life-dependent retirement benefits to provide guaranteed lifetime income to at least one person." The Examiner acknowledges that Tarbox does not disclose as guaranteed life-dependent financial contracts or instruments. (Final Office Action at 3.) The Examiner relies on Golden, to show guaranteed life-dependent financial contracts or instruments. As discussed with respect to claim 55, the Examiner fails to explain how the management of guaranteed life-dependent financial instruments as set forth by the prior Golden patent is compatible with the management of pension assets as taught by Tarbox. One of ordinary skill in the art would not find it obvious to modify the Tarbox system directed to managing risk by investment in common trusts to include individual benefits such as a guaranteed life-dependent retirement benefit.

Claim 78 sets forth a "simulation component being adapted to generate a plurality of sample retirement benefit programs in accordance with one or more retirement benefit program choices specified by the person, each sample retirement benefit program including simulated results of allocations of portions of funds corresponding to at least one asset vehicle containing one or more personal assets owned by the person towards purchasing one or more fractions of at least one of a plurality of available guaranteed life-dependent retirement benefits at selected intervals of at least one of a plurality of available allocation periods." The Examiner fails to address this simulation component. Nothing in the applied art shows or suggests such results of allocations of funds corresponding to a asset vehicle towards purchasing fractions a guaranteed life-dependent retirement benefits at selected intervals of an allocation period. As discussed above with respect to claim 55 one of ordinary skill in the art would not find it obvious to combine the applied art to arrive at this feature of the claimed invention.

Claim 78 sets forth that the simulated results include for selected intervals of the allocation period a simulated total current value representative of a sum of a current value of the available guaranteed life-dependent retirement benefit purchased to date based on an individual, personal actuarial valuation of the benefit and market value of the asset vehicle. None of the applied references show or suggest purchasing a guaranteed life-dependent retirement benefit over an allocation period. Accordingly, the applied prior art does not show or suggest the simulated results set forth by claim 78.

Claim 78 sets forth that the simulated results include a simulated target benefit payment value representative of a benefit payment available to the person if the controller immediately accelerates the allocation period by executing an allocation of funds corresponding to the simulated total current value towards purchasing a remainder of the guaranteed life-dependent retirement benefit. None of the applied references address purchasing a guaranteed life-dependent retirement benefit over an allocation period. Accordingly, the applied art does not show or suggest calculating a benefit payment value if the purchase of the guaranteed life-dependent retirement benefit is accelerated.

Claim 78 sets forth that the simulation component recalculates the simulated total current value and simulated target benefit payment value based on change information including a change to the sample retirement benefit program specified by the person. There is no suggestion that one of ordinary skill in the art would have found such recalculations obvious for the reasons set forth above with respect to claim 55.

Claim 78 further sets that the controller is adapted to implement an actual retirement benefit program based on information including information identifying at sample retirement benefit program selected by the person for implementation. The applied art does not show or suggest any retirement programs that include purchasing a guaranteed life-dependent retirement benefit as set forth by claim 78. Accordingly, the applied art does not show or suggest any controller that is adapted to implement such a retirement benefit program.

The applied prior art fails to show or suggest several limitations of claim 78 including the simulation component that calculates at selected intervals of an allocation period an allocation of a portion funds corresponding to at least one asset vehicle towards purchasing

fractions of a guaranteed-life dependent retirement benefit. The prior art fails to teach or suggest implementing such a retirement benefit as set forth by claim 78. Moreover, there is no reason to combine the teachings of the various applied references as suggested by the Examiner for the reasons set forth above. For these reasons, claim 78 is patentable over the applied prior art.

Claim 79

Claim 79 depends from claim 78 and sets forth that the simulation component is adapted to statistically calculate simulated purchase prices of the fractions of the guaranteed life-dependent retirement benefit employing relevant portions of stored financial and statistical information and retirement benefit program information. Claim 79 is rejected as being unpatentable over the art applied against claim 78. The applied art does not show or suggest the purchase of guaranteed life-dependent retirement benefits over an allocation period. Accordingly, the applied art does not show or suggest calculating simulated purchase prices of the fractions of the guaranteed life-dependent retirement benefit. Claim 79 is patentable over the applied art for the reasons set forth above with respect to claim 78.

Claim 80

Claim 80 stands rejected as being unpatentable over Tarbox in view of the eight secondary references applied against claim 55. The applied art fails to render claim 80 obvious for reasons similar to those set forth above with respect to claim 55. The Examiner has failed to articulate reasoning with some rational underpinning to support the reasons why one of ordinary skill in the art would find it obvious to combine the teachings of the nine reference to arrive at the claimed invention for the reasons discussed above.

Claim 80 sets forth a method "for planning for implementing and administering a retirement benefit program including at least one guaranteed, life-dependent retirement benefit to provide guaranteed lifetime income to at least one person." The Examiner acknowledges that Tarbox does not disclose as guaranteed life-dependent financial contracts or instruments. (Final Office Action at 3.) The Examiner relies on Golden to show guaranteed life-dependent financial contracts or instruments. However, the Examiner fails to explain how the management of guaranteed life-dependent financial instruments as set forth by the prior Golden patent is compatible with the management of pension assets as taught by Tarbox. One of ordinary skill in

the art would not find it obvious to modify the Tarbox system directed to managing risk by investment in common trusts to include individual benefits such as a guaranteed life-dependent retirement benefit for the reasons set forth above with respect to claim 55.

Claim 80 sets forth "allocating at selected intervals of an allocation period in accordance with at least a first set of instructions an allocation of a portion of funds corresponding to at least one asset vehicle, containing one or more personal financial assets owned by the person, towards purchasing one or more fractions of at least a first guaranteed life-dependent retirement benefit that provides one or more income benefits to the person." Nothing in the prior art shows or suggest such a conversion program that 1) operates at intervals over a conversion period, and 2) converts a funds corresponding to at least one asset vehicle to one or more fractions of a guaranteed life-dependent retirement benefit. This limitation is not obvious in view of the prior art for the reasons set forth with respect to claim 55.

Claim 80 sets forth calculating a total current value representative of a sum of a current value of the retirement benefit purchased to date based on an individual, personal actuarial valuation of the benefit and a market value of the asset vehicle. There is no showing or suggestion that it was known in the art to calculate the current value of a retirement benefit based on an individual, personal actuarial valuation of the benefit. The claimed system calculates the current value of the fraction of a life-dependent retirement benefit purchased to date based on in individual, personal actuarial valuation of the benefit. There is no showing or suggestion of such a calculation in the prior art for the reasons set forth above with respect to claim 55.

Claim 80 sets forth calculating a target benefit payment value representative of a benefit payment available to the person if the programmed computer immediately accelerates the allocation period by executing an allocation of funds corresponding to the total current value towards purchasing a remainder of the guaranteed life-dependent retirement benefit. None of the applied references address purchasing a guaranteed life-dependent retirement benefit over an allocation period. Accordingly, the applied art does not show or suggest calculating a benefit payment value if the purchase of the guaranteed life-dependent retirement benefit is accelerated.

Claim 80 sets forth calculating the total current value and target benefit payments for each future interval of the allocation period. As the conversion of an asset to a guaranteed life-dependent retirement benefit is not suggested in the prior art, there is no basis to conclude that it would have been obvious to one of ordinary skill to have calculated total current value and target benefit payments of retirement benefit program in which such conversion is accomplished.

Claim 80 sets forth recalculating a recalculated total current value and recalculated target benefit payment value based on change information including a change to the retirement benefit program specified by the person. There is no suggestion that one of ordinary skill in the art would have found such recalculations obvious for the reasons set forth above with respect to claim 55.

Claim 80 further set forth altering the allocation of funds towards achieving the recalculated total current values and the recalculated target benefit payment values. The Examiner does not address this limitation of claim 80. There is no suggestion that one of ordinary skill in the art would have found it obvious to alter the allocation funds towards purchasing fractions of a guaranteed life-dependent retirement benefit over an allocation period.

The applied prior art fails to show or suggest several limitations of claim 80 including allocating at selected intervals of an allocation period an allocation of a portion funds corresponding to at least one asset vehicle towards purchasing fractions of a guaranteed-life dependent retirement benefit. The prior art fails to teach or suggest purchasing at selected intervals fractions of a particular retirement benefit as set forth by claim 80. Furthermore, the prior art references, and the Examiner, are silent regarding altering the allocation of funds towards achieving a recalculated values. Moreover, there is no reason to combine the teachings of the various applied references as suggested by the Examiner for the reasons set forth above. For these reasons, claim 80 is patentable over the applied prior art.

Claims 90, 92 and 93 depending from claim 80 are patentable over the applied art for the reasons set forth with respect to claim 80.

Claim 81

Claim 81 depends from claim 80 and is rejected over the prior art applied against claim 80 in further view of Tyler. Claim 81 further sets forth the change to the retirement benefit program The Examiner acknowledges that the art applied against claim 80 does not teach the limitations set forth by claim 81. (Final Office Action at 8.) The Examiner asserts that Tyler teaches one or more changes in a guaranteed life-dependent retirement benefit. *Id.* Tyler includes no showing or suggestion of an input of a change in a guaranteed life-dependent retirement benefit which is the basis of for recalculation of the current value and target benefit payment over intervals of an allocation period for the reasons set forth with respect to claim 56. One of ordinary skill in the art would have no reason to modify the teaching of Tarbox and the other applied referenees with the teaching of Tyler to arrive at the claimed invention. For this reason and the reasons set forth with respeet to claim 55, claim 56 is patentablc over the applied prior art.

Claim 82

Claim 82 depends from claim 80 and sets forth calculating a plurality of benefit payments during and after the allocation period. The Examiner acknowledges that the references applied against claim 80 do not show the limitations set forth by claim 82. (Final Office Action at 9.) The Examiner relies on the addition references to Jones and Cooperstein to show the limitations set forth in claim 82. The Examiner asserts Jones and Cooperstein disclose calculating benefit payments corresponding to selected retirement benefits for a client during and after a conversion period, wherein the benefits payments during the conversion period are made from at least one asset vehicle and purchased benefits and the benefit payments after the conversion period are provided by the purchased benefits. The Examiner is incorrect for the reasons set forth with respect to claim 57.

Claim 83

Claim 83 depends from claim 80 and further sets forth details of the financial and statistical information and sets forth additional information including at least one or more person-specified personal choices related to the retirement benefit program.. Claim 83 is rejected as being unpatentable over the nine references applied against claim 80 and further in view of Jones. The Examiner does not address how the applied prior art show or suggest the

additional information set forth by claim 83. Accordingly, the Examiner has not set forth a proper rejection of claim 83. Claim 83 is patentable over the applied references for at least the reasons set forth with respect to claim 80.

Claim 84

Claim 84 depends from claim 80 and further sets forth accelerating the allocation period by allocating funds towards purchasing a remainder of the guaranteed life-dependent retirement benefit. There is no teaching or suggestion in the applied art to purchase a remainder of a guaranteed life-dependent retirement benefit for the reasons set forth above with respect to claim 60. For the reasons set forth above with respect to claims 60 and 80, claim 84 is patentable over the applied art.

Claim 85

Claim 85 depends from claim 80 and further sets forth a simulating a plurality of sample retirement benefit programs. The Examiner acknowledges that the art applied against claim 80 does not disclose the simulation set forth by claim 85. Claim 85 is rejected as unpatentable over the art applied against claim 80 and further in view of Jones. Jones does not show or suggest generating a plurality of sample retirement benefit programs including simulated results of allocations at intervals of at least one of a plurality of available allocation periods for the reasons set forth with respect to claim 61. Claim 85 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Claim 86

Claim 86 depends from claim 85. Claim 86 sets forth that the simulated results include simulated total current values and simulated target benefit payment values. Claim 86 is rejected over the art applied against claim 85. The applied art does not show or suggest calculating current values and target benefit payment values over the selected intervals of an allocation period for the reasons set forth above with respect to claim 80. Claim 86 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Claim 87

Claim 87 depends from claim 85 and further sets forth details of the basis of the simulation results. Claim 87 is rejected as unpatentable over the art applied against claim 85.

As discussed above with respect to claim 85, the applied art does not show or suggest the simulations set forth by these claims. Accordingly, claim 87 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Claim 88

Claim 88 depends from claim 85 and further sets forth information received from the remote client regarding modifications. Claim 88 sets forth recalculating the simulated results in accordance with one or more modifications. Claim 88 is rejected as being unpatentable over the art applied against claim 85. The applied art does not show or suggest simulated results of allocations of funds corresponding to an asset vehicle towards gradually purchasing fractions of a guaranteed life-dependent retirement benefit at selected intervals of an allocation period. Accordingly, the applied art does not show recalculating the simulated results in accordance with one or more modifications. Claim 88 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Claim 89

Claim 89 depends from claim 85 and further sets forth altering the allocation of funds in accordance with the simulated results in response to receiving information related to acceptance by the person of the modifications. Claim 89 is rejected as being unpatentable over the art applied against claim 85. The applied art does not show or suggest simulated results of allocations of funds corresponding to an asset vehicle towards gradually purchasing fractions of a guaranteed life-dependent retirement benefit at selected intervals of an allocation period. Accordingly, the applied art does not show altering the allocation of funds in accordance with a modification to any such simulated result. Claim 89 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Claim 91

Claim 91 depends from claim 80. Claim 91 sets forth that calculating the value of the first guaranteed life-dependent retirement benefit as of the current date and each future interval of the allocation period includes performing actuarial valuations of the guaranteed life-dependent benefit purchased. The applied art does not show or suggest allocating a portion of funds corresponding to an asset vehicle towards purchasing fractions of a guaranteed life-

dependent retirement benefit over intervals of an allocation period. Accordingly, the applied art does not show an actuarial valuation of the guaranteed life-dependent retirement benefit each future interval of the allocation period. Claim 91 is patentable over the applied art for at least the reasons set forth above with respect to claim 80.

Conclusion

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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Respectfully submitted,

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